



Community Development Department  
Current Planning Division  
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## MEMORANDUM

### City of Beaverton

Community Development Department

**To:** Interested Parties

**From:** City of Beaverton Planning Division

**Date:** September 28, 2017

**Subject:** **DR2017-0068, SDM2017-0008 Chick-Fil-A Restaurant**

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Please find attached the Notice of Decision for **DR2017-0068, SDM2017-0008 Chick-Fil-A Restaurant**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for DR2017-0068, SDM2017-0008 (Chick-Fil-A Restaurant), is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

***The appeal closing date for DR2017-0068, SDM2017-0008 – Chick-Fil-A Restaurant, is 4:30 p.m., Monday, October 10, 2017.***

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4<sup>th</sup> Floor, Beaverton Building/City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Elena Sasin, Assistant Planner, at (503) 526-2494.

**Accessibility information:** This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, contact **Elena Sasin** by calling 711 **503-526-2494** or email [esasin@beavertonoregon.gov](mailto:esasin@beavertonoregon.gov)



## NOTICE OF DECISION

DECISION DATE: September 28, 2017

TO: All Interested Parties

FROM: Elena Sasin, Assistant Planner

PROPOSAL: **DR2017-0068, SDM2017-0008 – Chick-Fil-A Restaurant**

LOCATION: 10655 SW Beaverton Hillsdale Highway  
Tax Assessor's Map and Lot Number: 1S114BC01900

SUMMARY: The applicant, seeks Design Review 2 and Sidewalk Design Modification approval for the construction of a new 4,840 square foot fast food restaurant with a drive-through and modification of landscaping on site. The proposal includes the demolition of the existing building, a former restaurant. The total site is approximately 1.56 acres.

PROPERTY OWNER: 2715 LLC by Stuart Lindquist  
PO Box 42135  
Portland, OR 97242

APPLICANT: 4G Development and Consulting, Inc.  
PO Box 270571  
San Diego, CA 92198

APPLICANT'S REPRESENTATIVE: DOWL  
720 SW Washington Street, Suite 750  
Portland, OR 97205

APPLICABLE CRITERIA: Development Code Sections 40.03 (Facilities Review), 40.20.15.2.C (Design Review Two), 40.58.15.C (Sidewalk Design Modification)

RECOMMENDATIONS: **APPROVAL DR2017-0068, SDM2017-0008 – Chick-Fil-A Restaurant, subject to conditions identified at the end of this report.**

Zoning/Vicinity/Aerial Map



## BACKGROUND FACTS

### Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>Decision Date</u>	<u>120-Day*</u>
DR2017-0068 SDM2017-0008	June 16, 2017 September 20, 2017	August 8, 2017 September 20, 2017	September 28, 2017	December 6, 2017

\* Pursuant to Section 50.25.9 of the Development Code this is the latest date, without a continuance, by which a final written decision on the proposal can be made.

### Existing Conditions Table

<b>Zoning</b>	CS (Community Service)	
<b>Current Development</b>	Existing Building (Former Restaurant)	
<b>Site Size</b>	Approximately 1.56 Acres	
<b>NAC</b>	Denney Whitford / Raleigh West	
<b>Surrounding Uses</b>	<u>Zoning:</u>  North: R-15 (Washington County Residential – across SW Laurel Street) and CS  South: CS  East: Office Commercial (Washington County and Community Business District (Washington County)  West: Community Business District (Washington County)	<u>Uses:</u>  North: Residential and Commercial (Hair Salon)  South: Commercial/Retail (Restaurant and bank)  East: Restaurant and Parking Lot  West: Retail and Commercial (Shopping Center and Restaurants)

## DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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<b>Attachment A: Facilities Review Committee Technical and Recommendation Report</b>	FR1 – 13
<b>Attachment B DR2017-0068 – Design Review Two</b>	DR1 – 15
<b>Attachment C: SDM2017-0008 – Sidewalk Design Modification</b>	SDM1 – 3
<b>Attachment D: Conditions of Approval</b>	COA1 – 6

### **Exhibit 1. Zoning/Vicinity/Aerial Map**

### **Exhibit 2. Agency Comments**

Exhibit 2.1 Conditions of Approval from Jeremy Foster with TVF&R dated August 16, 2017.

Exhibit 2.2 Conditions of Approval from Seth A. Brumley with ODOT dated August 22, 2017.

Exhibit 2.3 Conditions of Approval from Naomi Vogel with Washington County dated September 15, 2017.

Exhibit 2.4 Conditions of Approval from Brad Roast with City of Beaverton's Building Division.

### **Exhibit 3. Public Comments**

Exhibit 3.1 Letter from Harry and Winona Bodine – Received September 5, 2017.

Exhibit 3.2 Email from Ira Frankel – Received September 4, 2017.

**FACILITIES REVIEW COMMITTEE  
TECHNICAL REVIEW AND RECOMMENDATIONS  
CHICK-FIL-A RESTAURANT DR2017-0068**

**Section 40.03 Facilities Review Committee:**

The Facilities Review Committee has conducted a technical review of the application, in accordance with the criteria contained in Section 40.03 of the Development Code. The Committee's findings and recommended conditions of approval are provided to the decision-making authority. As they will appear in the Director's Decision, the Facilities Review Conditions may be re-numbered and placed in different order.

The decision-making authority will determine whether the application as presented meets the Facilities Review approval criteria for the subject application and may choose to adopt, not adopt, or modify the Committee's findings, below.

**The Facilities Review Committee Criteria for Approval will be reviewed for all criteria that are applicable to the application as identified below:**

- **All twelve (12) criteria are applicable to the submitted Design Review application, DR2017-0068.**

The proposal is to construct one new restaurant, with a drive through, on a site currently developed with an existing restaurant, proposed to be demolished. The proposed new restaurant will be 4,840 square feet and will provide interior seating.

- A. *All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.***

Critical facilities and services, as defined by Chapter 90 of the Development Code, include public water, public sanitary sewer, storm water drainage and retention, transportation, and fire protection.

The applicant states that all critical facilities and services have adequate capacity to serve the proposed facility.

**Public water**

Water service is provided by the West Slope Water District, through an existing line in the SW 107<sup>th</sup> Avenue right-of-way. The existing water supply system will be adequate to serve the new development.

**Public sanitary sewer**

The proposed development will connect to a public sewer line located in SW Beaverton Hillsdale Highway right-of-way (provided by Clean Water Services [CWS]). The existing system will adequately serve the proposal.

**Storm water drainage, treatment, and detention**

Stormwater will be collected on site, treated in an underground water quality vault, detained in a proposed Stormtech facility and released to an existing CWS line in SW Beaverton Hillsdale Highway right-of-way. Stormwater calculations and demonstration of compliance with stormwater management requirements are provided in Exhibit D, of the applicant's materials.

**Transportation**

A Traffic Impact Analysis (TIA), dated June 15, 2017, has been submitted by Kittelson & Associates, Inc. This application proposes to construct one fast food restaurant, Chick-Fil-A, with a drive-through lane. The proposed restaurant will also have indoor seating. The new building would replace an existing restaurant. The analysis forecasts that with full site buildout as proposed, the use would generate 2,402 trips on an average day. Of these, approximately 50% would be vehicles already on the road system (pass-by trips). Of the trips to the site, approximately 818 can be considered net new trips. The TIA reviewed nine (9) intersections on and near the site, including SW Laurel Road and SW 107<sup>th</sup> Avenue, as well as SW 107<sup>th</sup> Avenue and SW Beaverton Hillsdale Highway and the proposed driveways on to SW Laurel Road and SW 107<sup>th</sup> Avenue.

The proposed site is located on the northeast corner of SW 107<sup>th</sup> Avenue, a designated Neighborhood Route under the maintenance and operational jurisdiction of Washington County, and SW Beaverton Hillsdale Highway, under the jurisdiction of the Oregon Department of Transportation (ODOT). Vehicular access will occur from SW 107<sup>th</sup> Avenue and SW Laurel Road, a Local street under the City of Beaverton's jurisdiction. Per the Traffic Impact Analysis included in Exhibit E of the applicant's materials, no off-site public improvements are required and the existing public transportation network is adequate to support the proposed use. The developer will provide an eight (8)-foot right of way dedication on SW Beaverton Hillsdale Highway to meet the city's and ODOT's requirements.

According to the TIA, the studied intersections currently operate within applicable City standards and are mostly all well below the City's applicable volume-to-capacity (V/C) standard of 0.98. The TIA also forecasts that the studied intersections will continue operating within the applicable City standards even with the expected added new trips. The intersection of SW

107<sup>th</sup> and SW Beaverton Hillsdale Highway is shown to change from having a 0.81 V/C ratio to 0.90 during the Saturday midday peak hour with the proposed new trips.

The TIA includes Washington County's Safety Priority Index System (SPIS) list which identifies existing hazardous intersections for potential safety improvements. The intersection of SW Beaverton Hillsdale Highway and SW 110<sup>th</sup> Avenue as well as the intersection of SW Beaverton Hillsdale Highway and SW 107<sup>th</sup> Avenue are both listed on the most current SPIS list (data from January 1, 2010 through December 31, 2014). However, the TIA states that though these intersections are on the SPIS list, they are below the critical crash rate and no improvements were identified in the County's SPIS list.

The existing access to the site directly from SW Beaverton Hillsdale Highway is proposed to be closed, per ODOT's requirements. Access to the redeveloped site will be provided from SW 107<sup>th</sup> Avenue, limited to right-in right-out movements, and SW Laurel Street, with full-movement access.

The applicant proposes to dedicate eight (8)-feet for right-of-way along the SW Beaverton Hillsdale Highway frontage, ten (10)-feet along SW 107<sup>th</sup> Avenue and five (5) feet along SW Laurel Street. Each frontage is proposed to be improved to the respective jurisdiction's standards.

A 10 (ten)-foot curb tight sidewalk is proposed along the SW Beaverton Hillsdale frontage, maintaining at least a six (6)-foot wide unobstructed path, and tree wells, planted every 25 feet. The proposal shows that the improvements will meet the 48-foot from centerline width requirement for five (5) lane arterials. The proposed frontage improvements along SW 107<sup>th</sup> Avenue include a five (5) foot wide unobstructed sidewalk behind a ten (10) foot wide LIDA swale. The frontage on SW Laurel Road is narrow but the applicant's plans show improvements made to that frontage as well.

### **Fire Protection**

Tualatin Valley Fire & Rescue (TVF&R) provides fire protection services for property in this area. TVF&R staff have provided conditions of approval to ensure that the proposed development will have adequate fire protection services.

FINDING: Therefore, Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- B. *Essential facilities and services related to the proposed development are available, or can be made available, with adequate capacity to serve the development prior to its occupancy. In lieu of providing essential facilities and services, a specific plan may be approved if it adequately demonstrates that essential facilities, services, or both will be provided to serve the***



***proposed development within five (5) years of occupancy.***

Essential facilities and services, as defined by Chapter 90 of the Development Code, include schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities.

The applicant states that all essential facilities are available or will be made available.

**Schools**

The Beaverton School District has not provided comments addressing the anticipated impacts of the subject project on the District, though the proposal is not expected to impact the District.

**Transit improvements**

TriMet bus route # 54 serves the site with a stop located near the northeast corner of SW 107<sup>th</sup> Avenue and SW Beaverton Hillsdale Highway. The applicant's plans show a passenger landing pad at the bus stop adjacent to the site. Other transit improvements are not required with this development and are not proposed.

**Police protection**

The site will continue to be served by the City of Beaverton Police Department for public safety.

**On-site pedestrian and bicycle facilities**

The applicant proposes to construct sidewalks, at least five (5) feet in width, along all three street (3) frontages.

The applicant also proposes interior pedestrian walkways, connecting the parking stalls and trash enclosure to the primary building. The applicant states that the proposed pedestrian walkways will have a minimum unobstructed width of five (5)-feet and will comply with all applicable ADA standards. The proposed walkways will be constructed of concrete to differentiate pedestrian areas from vehicle maneuvering areas and to improve pedestrian visibility and safety. For those pedestrian paths bordering parking stalls, staff recommend a condition of approval that the applicant demonstrate how these walkways will maintain a width of at least four (4) feet, even with bumper overhang. The submitted plans also show that the internal pedestrian circulation system will connect to the surrounding sidewalk system by two (2) proposed paths, one on SW Beaverton Hillsdale Highway and the other on SW 107<sup>th</sup> Avenue.

FINDING: Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- C. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.***

The applicant states that all applicable provisions of Chapter 20 are met and addressed. The applicant has not submitted any concurrent applications relating to the subject site. Exceptions and/or modifications to the provisions of Chapter 20 are not being requested by the applicant.

The property is zoned Community Service (CS). Eating and drinking establishments, including drive-through restaurants, are an allowed Permitted Use. However, new construction of non-residential floor area requires Type 2 Design Review approval. Uses operating between 10:00 pm and 7:00 am require a Conditional Use Permit if located within 500 feet from existing residential uses within a residential zone. The subject site is less than 500 feet from Washington County's residential zone, on the north side of SW Laurel Road. However, the applicant states that the proposed restaurant and associated drive-through will operate between the hours of 7:00 am and 10:00 pm. Staff recommend a condition of approval that deliveries to the site shall also take place between the hours of 7:00 am and 10:00 pm. The site exceeds the minimum lot area requirements and the proposed building exceeds the minimum setback requirements. The proposed building meets the maximum height requirements, see code conformance analysis chart provided at the end of Attachment A.

FINDING: Therefore, the Committee finds that by satisfying the conditions of approval, the proposal meets the criterion for approval.

- D. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Regulations) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Regulations) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

**Design Review Requirements (Section 60.05)**

Staff will provide findings for the Design Review Standards within the staff report for the Design Review application, Attachment B.

**Drive-Up Window Facilities (Section 60.07)**

The proposal includes one drive-through restaurant with sufficient vehicle stacking capacity and an adequate escape/by-pass lane. Immediately past the drive-up window are parking stalls which may be used as waiting

spaces.

### **Off-Street Parking Requirements (Section 60.30)**

Fast food restaurants require a minimum of 10 parking spaces per 1,000 square feet of floor area and a maximum of 12.4 spaces per 1,000 square feet of floor area. The proposed restaurant is 4,840 square feet therefore the minimum number of parking spaces required is 48.4 and the maximum permitted is 60. The applicant has proposed 60 standard parking spaces, three (3) of which are proposed to be ADA parking stalls. More than half of the required parking stalls are nine (9) feet wide, including the ADA stalls. The rest of the stalls are shown to be eight and a half (8.5) feet wide.

The proposed restaurant is required to have two (2) long term and two (2) short term bicycle parking spaces. The applicant states that two (2) long term and two (2) short term bicycle parking spaces are provided. The submitted plans show that short term bicycle parking will be provided near the primary entrance and the long term bicycle parking will be located within the trash enclosure structure, though separated by a wall from the trash and recycling area and accessible through a separate entrance. The site meets the minimum requirement for bicycle parking.

### **Sign Regulations (Section 60.40)**

Signage is not reviewed at this time. All new signs will require separate sign permit approvals. In general, for buildings located within Commercial zoning districts, allowable sign square footage shall not exceed 20% of the Primary Building Wall. For sign calculation purposes, the Primary Building Wall would likely be considered the southern elevation, facing SW Beaverton Hillsdale Highway. Wall signs may not be located higher than one (1) foot below the building wall, on any elevation visible from the public right-of-way.

### **Solar Access Regulations (Section 60.45)**

This ordinance is not applicable to commercial uses within commercial zones.

### **Transportation Facilities (Section 60.55)**

#### **Traffic Management Plan (Section 60.55.15)**

Where development will add 20 or more trips in any hour on a residential street, a Traffic Management Plan acceptable to the City Engineer shall be submitted in order to complete the application. A residential street is any portion of a street classified as a Local Street or Neighborhood Route and having abutting property zoned R2, R4, R5, R7, or R10.

The application does not include a Traffic Management Plan. The site

does not abut a residential zone. SW Laurel Road on the north, separates Washington County's residential zone from the site.

#### Traffic Impact Analysis (Section 60.55.20)

A Traffic Impact Analysis is required when a proposed land use change or development will generate 300 vehicles or more per day (vpd) in average weekday trips as determined by the City Engineer. [ORD 4706; May 2017]

The proposed restaurant use is expected to generate an additional 818 weekday trips, therefore a Traffic Impact Analysis is required and was submitted with the application. Please see Criterion A above.

#### Street and Bicycle and Pedestrian Connection Requirements (Section 60.55.25)

The proposed site abuts three (3) rights-of-ways – SW Beaverton Hillsdale Highway, SW 107<sup>th</sup> Avenue and SW Laurel Road. Vehicular access is provided on SW 107<sup>th</sup> Avenue and SW Laurel Road. Direct pedestrian and bicycle connections are located along SW Beaverton Hillsdale Highway and SW 107<sup>th</sup>. Safe and efficient pedestrian walkways are provided on site and connect to the existing public circulation system. Adequate bicycle facilities are also available and accessible on site. The applicant is proposing street frontage improvements along all frontages, see Criterion A above.

#### Minimum Street Widths (Section 60.55.30)

All abutting streets are proposed to be improved. SW 107<sup>th</sup> Avenue is within Washington County's jurisdiction. SW Laurel Road is city maintained. SW Beaverton Hillsdale Highway, though under ODOT's control, is within the City of Beaverton and the applicant proposed eight (8)-feet of right-of-way dedication along that frontage. Please see criterion A above.

#### Access Standards (Section 60.55.35)

The submitted plans show safe access to and from the proposed development.

#### Transit Facilities (Section 60.55.40)

The site abuts one bus stop. The applicant has proposed a passenger landing pad at the bus stop adjacent to the site, on SW Beaverton Hillsdale Highway.

#### Trees and Vegetation Requirements (Section 60.60)

The applicant states that 40 out of 50 existing landscape trees are proposed

to be removed. The mitigation requirements will be addressed within the findings for the Design Review application, see Attachment B.

Utility Undergrounding Requirements (Section 60.65)

The proposal will comply with the standards in the Utility Undergrounding Section.

FINDING: Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- E. Adequate means are provided or can be provided to ensure continued periodic maintenance and necessary normal replacement of the following private common facilities and areas: drainage ditches, roads and other improved rights-of-way, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage and recycling storage areas and other facilities, not subject to periodic maintenance by the City or other public agency.**

The applicant states that on site private common facilities and areas are strategically located to be easily accessible allowing for maintenance and replacement as necessary.

FINDING: Therefore, the Committee finds that the proposal meets the criterion for approval.

- F. There are safe and efficient vehicular and pedestrian circulation patterns within the boundaries of the site.**

The applicant states that the proposed development provides a logical and efficient circulation path for vehicles with public access points from SW 107<sup>th</sup> Avenue and SW Laurel Road. Direct pedestrian connections are also provided from all of the adjacent public roads, including SW Beaverton-Hillsdale Highway, SW 107<sup>th</sup> Avenue and SW Laurel Road. The applicant also states the pedestrian paths are intentionally designed to avoid unnecessary vehicular drive aisle crossings to ensure pedestrian safety. As previously stated in response to criterion B, staff recommend adding wheel stops to all parking stalls that border pedestrian walkways, to maintain at least four (4) feet of unobstructed area.

FINDING: Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- G. The on-site vehicular and pedestrian circulation system connects to the surrounding circulation system in a safe, efficient, and direct manner.**

The proposed development will have vehicular access at SW 107<sup>th</sup> Avenue and SW Laurel Road. Existing access on SW Beaverton Hillsdale Highway will be closed to meet ODOTs requirements. Direct pedestrian access will be provided on SW Beaverton Hillsdale Highway and SW 107<sup>th</sup> Avenue. Approval from Washington County and ODOT may also be required as a prerequisite to obtaining the necessary access permits.

Access on SW 107<sup>th</sup> Avenue is proposed to be right-in/right-out, with a median curb separator on SW 107<sup>th</sup> to prevent vehicles from turning left when exiting onto SW 107<sup>th</sup> Avenue. Full access is proposed on SW Laurel Road, as it is currently constructed.

FINDING: Therefore, the Committee finds that the proposal meets the criterion for approval.

**H. *Structures and public facilities serving the development site are designed in accordance with adopted City codes and standards and provide adequate fire protection, including, but not limited to, fire flow.***

Tualatin Valley Fire and Rescue District (TVF&R) has reviewed the proposal and has provided conditions of approval. Site Development plan review will address compliance with City engineering standards and require TVF&R approval prior to issuance.

The Committee concludes that, subject to meeting the conditions of approval the site can be designed in accordance with City codes and standards and provide adequate fire protection.

FINDING: Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

**I. *Structures and public facilities and services serving the site are designed in accordance with adopted City codes and standards at a level which will provide adequate fire protection, including, but not limited to, fire flow, and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development.***

The applicant states that the proposed building and facilities serving the site will be designed to ensure adequate access for fire trucks and the building has been designed to current applicable building design codes. TVF&R has provided conditions of approval, which are attached to this report.

FINDING: Therefore, the Committee finds that by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- J. *Grading and contouring of the site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

According to the applicant, the proposed grading was designed to minimize effects to off-site properties and public right-of-way. No retaining walls are proposed at the property lines and the site has been designed to collect stormwater into an on-site managed stormwater system.

FINDING: Therefore, the Committee finds that the proposal meets the criterion for approval.

- K. *That access and facilities for physically handicapped people are incorporated into the site and building design, with particular attention to providing continuous, uninterrupted access routes.***

The applicant states that the proposed project includes ADA accessible routes of access from all adjacent roads and three (3) ADA parking spaces in close proximity to the primary building entrance. The applicant also states that the outdoor plaza area and building have been designed to accommodate wheelchair access.

FINDING: Therefore, the Committee finds that, by satisfying the conditions of approval, the proposal will meet the criterion for approval.

- L. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

The applicant has supplied all applicable submittal requirements, as specified in Section 50.25.1 of the Development Code.

FINDING: Therefore, the Committee finds that the proposal meets the criterion for approval.

**Code Conformance Analysis**  
**Chapter 20 Use and Site Development Requirements**  
**Community Service (CS) Zoning District**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.10.20 (Commercial)			
Use: Eating and Drinking Establishments	Permitted	The applicant is proposing a new 4,840 square foot restaurant with a drive-through lane. The existing restaurant is proposed to be demolished.	<b>See DR Findings</b>
Development Code Section 20.10.15			
Minimum Lot Area – Non-Residential	7,000 square feet	The existing lot is approximately 67,953 square feet. Changes to the lot size are not proposed.	<b>Yes</b>
Minimum Lot Dimensions		The existing lot is approximately 190 feet in width and 384 feet in depth.	<b>N/A</b>
Width Depth	70 feet 100 feet	No changes to the width or depth of the lot are proposed.	
Minimum Yard Setbacks Front <sup>1</sup> Side <sup>2</sup> a. Interior b. Corner Rear <sup>3</sup>	20'  10' 20' 15	The subject site is located within a commercial zone and exceeds 60,000 square feet. Therefore, minimum front yard setbacks are not applicable. Setbacks are governed by Design Standards in Section 60.05.15.6. The applicant states the interior side setback is approximately 12 feet and the corner side setback is approximately 55 feet. The rear property abuts a public right-of-way therefore the required rear setback is zero.	<b>See DR Findings</b>
Minimum yard setback when abutting single family residential zone	20 feet	The rear yard setback abuts SW Laurel Road.	<b>N/A</b>
Maximum Building Height <sup>4</sup>	35 feet	The proposed overall height of the building is 21 feet and 8 inches.	<b>Yes</b>

<sup>1</sup> Under the conditions outlined in Section 60.05.15.6. of this Code, buildings in commercial zones located on parcels that exceed 60,000 square feet shall be exempt from Section 20.10.15.D.1., minimum front setbacks. Front yard setbacks for parcels in excess of 60,000 gross square feet shall be governed by the Design Review Design Standard specified in Section 60.05.15.6. Any deviation from that standard shall be reviewed through the Design Review Three application process and the corresponding Design Review Design Guideline.

<sup>2</sup> Under the thresholds outlined in Section 40.30., application may be made for zero side yard setbacks.

<sup>3</sup> Rear yard setback is applicable to only the portion of the rear yard which abuts a residential zone; otherwise the minimum rear yard setback is 0 feet.

<sup>4</sup> Maximum building height of any building within 100 feet of a residentially zoned property is 35 feet.



## Chapter 60 Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.05			
Design Review Principles, Standards, and Guidelines	Requirements for new development and redevelopment.	New 4,840 square foot restaurant with drive-through lane.	<b>Refer to DR findings</b>
Development Code Section 60.07 Drive-Up Window Facilities			
Drive-up window facility standards	Requirements for developments including drive-up window service.	The proposal includes one drive-up window. The applicant's plans show adequate stacking capacity and an escape/by-pass lane as well as parking spaces available past the drive-up window.	<b>Yes</b>
Development Code Section 60.10			
Floodplain Regulations	Requirements for properties located in floodplain, floodway, or floodway fringe.	The applicant has submitted a SPL from CWS for the proposed project which states it will not have any impact on existing resources. The proposed project is not located within a floodplain, floodway, or floodway fringe.	<b>Yes</b>
Development Code Section 60.11			
Food Cart Pod Regulations	Requirements for food cart pods.	The proposal is a new building, no food carts, or food cart pod is proposed.	<b>N/A</b>
Development Code Section 60.12			
Habitat Friendly and Low Impact Development Practices	Optional program offering various credits available for use of specific Habitat Friendly or Low Impact Development techniques.	No Habitat Friendly or Low Impact Development techniques proposed.	<b>N/A</b>
Development Code Section 60.15 – Land Division Standards			
Land Division	Standards for the division of land.	No land division is proposed.	<b>N/A</b>

Development Code Section 60.25 – Off Street Loading			
Loading Facilities	No loading berth(s) required	The new proposed restaurant building is under 7,000 square feet, therefore no loading berth is required.	<b>N/A</b>
Development Code Section 60.30 – Off-Street Parking			
Off-street motor vehicle parking Parking Zone A	Fast food with drive-through service – 10 spaces per 1,000 gross square feet of floor area. Maximum is 12.4 per 1,000 gross square feet.	The new proposed building is 4,840 square feet. The minimum parking requirement is 48 spaces and the maximum is 60. The applicant is proposing 60 parking spaces.	<b>Yes</b>
Development Code Section 60.55 – Transportation			
Transportation Facilities	Regulations pertaining to the construction or reconstruction of transportation facilities.	Refer to Facilities Review Committee findings herein	<b>Yes- with COA</b>
Development Code Section 60.60			
Trees & Vegetation	Regulations pertaining to the removal and preservation of trees.	No protected trees are proposed for removal or exist on-site. Landscape trees are proposed for removal and are addressed through the Design Review application.	<b>N/A</b>
Development Code Section 60.65			
Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing frontage, except high voltage lines (>57kV) must be placed underground.	The applicant will be required to underground any utility lines which are required to be moved for this project.	<b>Yes- with COA</b>
Development Code Section 60.67			
Significant Natural Resources	Sites containing Significant Riparian Corridors shall be subject to the procedures in Chapter 50 of this ordinance.	The subject site does not contain SNRAs.	<b>N/A</b>

**ANALYSIS & FINDINGS FOR DESIGN REVIEW APPROVAL  
DR2017-0068 Chick-Fil-A Restaurant**

**Section 40.20.15.2.C Approval Criteria**

*In order to approve a Design Review Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:*

**1. *The proposal satisfies the threshold requirements for a Design Review Two application.***

Facts and Findings:

The applicant has applied for approval of Design Review Two and Sidewalk Design Modification applications for the construction of a new 4,840 square foot fast food restaurant with a drive-through window and modifications of landscaping on site. The proposal includes the demolition of the existing building, a former restaurant. The site is located within a commercial zone and does not abut a residential zone. The proposal meets Threshold Number 1 of the Design Review Type 2 application, Section 40.20.15.2.A:

Threshold No. 1

*“New construction of up to and including 50,000 gross square feet of non-residential floor area where the development does not abut any Residential District.”*

**Therefore, staff find that the proposal meets the criterion for approval.**

**2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

The applicant paid the required fee associated with a Design Review Two application.

**Therefore, staff find that the proposal meets the criterion for approval.**

**3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Facts and Findings:

The applicant has submitted materials required by Section 50.25.1 of the Development Code.

**Therefore, staff find that the proposal meets the criterion for approval.**

- 4. *The proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards).***

Facts and Findings:

Staff cite the findings in the Design Review Standards Findings and Analysis Chart that begins on page DR-3 of this Attachment, which evaluates the project as it relates the applicable Design Review Standards. The chart provides a summary response to design review standards determined to be applicable to this proposed project. The applicant's plans and materials show compliance with these standards.

**Therefore, staff find that the proposal meets the criterion for approval.**

- 5. *For additions to or modifications of existing development, the proposal is consistent with all applicable provisions of Sections 60.05.15 through 60.05.30 (Design Standards) or can demonstrate that the additions or modifications are moving towards compliance of specific Design Standards if any of the following conditions exist:***

- a. A physical obstacle such as topography or natural feature exists and prevents the full implementation of the applicable guideline; or***
- b. The location of existing structural improvements prevent the full implementation of the applicable standard; or***
- c. The location of the existing structure to be modified is more than 300 feet from a public street.***

Facts and Findings:

The proposed development is for a new restaurant building, not an addition or modification.

**Therefore, staff find that the criterion for approval does not apply.**

- 6. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Facts and Findings:

The applicant has applied for Design Review approval. During the review of the proposal, it was determined by staff that a Sidewalk Design Modification application was also necessary. The applicant subsequently submitted the required materials for the Sidewalk Design Modification application. No other applications are required of the applicant for this stage of City approvals.

**Therefore, staff finds that the proposal meets the criterion for approval.**

**DESIGN REVIEW STANDARDS ANALYSIS AND FINDINGS CHART**

DR2017-0068 CHICK-FIL-A RESTAURANT

<b>DESIGN STANDARD</b>		<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD?</b>
<b>60.05.15.1 Building Articulation and Variety</b>			
60.05.15.1.B	Buildings visible from and within 200 feet of an adjacent public street shall have 30% percent of the street-facing and primary entrance elevation(s) devoted to permanent architectural features...	The applicant states that the two street facing elevations, west and south (which also contain primary entrances), will have 44% and 40% of the elevations devoted to architectural features, respectively.	<b>Yes</b>
60.05.15.1.C	The maximum spacing between permanent architectural features shall be no more than: Forty (40) feet in Residential zones, and all uses in Commercial and Multiple Use zones.	The applicant states that the maximum spacing between permanent architectural features is approximately 12 feet or less.	<b>Yes</b>
<b>60.05.15.2 Roof Forms as Unifying Elements</b>			
60.05.15.2.A	All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum 4/12 pitch.	The proposed building is to have a flat roof, not sloped roof.	<b>N/A</b>
60.05.15.2.B	Sloped roofs...shall have eaves that project from the building wall at least twelve (12) inches...	The proposed roof is flat, not sloped.	<b>N/A</b>
60.05.15.2.C	All flat roofs with a slope of less than 4/12 pitch	The applicant states that the flat roof will have a parapet wall,	<b>Yes</b>

	shall be architecturally treated or articulated with a parapet wall that must project vertically above the roof line at least twelve (12) inches.	projecting approximately five (5) feet above the roof, which is sufficient to screen rooftop equipment.	
60.05.15.2.D	When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as existing roofs.	The proposed is a new building, not an addition.	<b>N/A</b>
<b>60.05.15.3 Primary Building Entrances</b>			
60.05.15.3	Primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided. The covered area providing weather protection shall be at least 6 feet wide and 4 feet deep.	The applicant states that all primary entrances to the proposed building will have canopies that will be at least (four) 4 feet deep and nine (9) feet wide. The applicant's plans show that the primary entrances, on the west and south elevations, have canopies at least four (4) feet in depth and nine (9) feet in width.	<b>Yes</b>
<b>60.05.15.4 Exterior Building Materials</b>			
60.05.15.4.B	For ...all uses in Commercial ...zones..., a maximum of 30% of each elevation ...may be plain, smooth, unfinished concrete, concrete block, plywood, [or] sheet pressboard. The remaining elevation area ...shall be architecturally treated.	The proposed building will be mostly brick and stucco. The applicant's plans do not show the use of any plain, smooth, unfinished concrete, concrete block, plywood or sheet board for exterior materials.	<b>Yes</b>
60.05.15.5.A	All roof-mounted	Roof top equipment is not being	<b>N/A</b>

-C	equipment shall be screened from view from adjacent streets or adjacent properties in one of the following ways: 1. A parapet wall; or...	proposed or reviewed at this stage of development but the applicant states that rooftop equipment will be screened from view by a parapet wall approximately 5 feet in height. When Building permits for the installation of the rooftop equipment are sought, the applicant will have to demonstrate compliance with this section of the Development Code.	
60.05.15.6.B	Buildings in Commercial zones shall occupy a minimum of 35 percent public street frontage where a parcel exceeds 60,000 gross square feet.	The subject site is located within a Commercial zone and is in excess of 60,000 square feet. The Beaverton Hillsdale Highway frontage is 200 feet in length. The applicant's plans show the proposed building will occupy approximately 120 feet of the Beaverton Hillsdale frontage, which is approximately 60%.	<b>Yes</b>
60.05.15.6.C	Buildings subject to the street frontage standard shall be located no farther than 20 feet from the property line. The area between the building and property line shall be landscaped to standards found in Section 60.05.25.5.B. or 60.05.25.5.C.	The applicant's plans show that the building is not further than 200 feet from the property line. The applicant states that the building is approximately 18 feet from the southern property line. The area between the building and property is landscaped in accordance with section 60.05.25.5 of the Development Code standards.	<b>Yes</b>
60.05.15.6.E	Buildings subject to the street frontage standard shall have at least one primary building entrance oriented toward an abutting street or public pedestrian way. Where there is more than one abutting Class 1 Major Pedestrian Route...	The applicant proposes two (2) primary entrances, one on the south elevation, facing SW Beaverton Hillsdale Highway and the other facing SW 107 <sup>th</sup> Avenue, to the west. Each primary entrance is shown to have a direct pedestrian connect to the abutting street and pedestrian circulation system. The site does not abut any Major Pedestrian	<b>Yes</b>

		Routes.	
60.05.15.6.F	Secondary entrances may face on streets, off-street parking areas, or landscaped courtyards.	The applicant states that the secondary entrances are proposed on the west and east elevations. The west entrance, for employees and services, faces a landscape area.	<b>Yes</b>
60.05.15.8.A	<p>Except those used exclusively for residential use, ground floor elevations visible from and within 200 feet of a public street...and elevations that include a primary building entrance or multiple tenant entrances, shall have the following minimum percent of the ground floor elevation area permanently treated with windows, display areas or glass doorway openings.</p> <p>Buildings on parcels in excess of 25,000 gross square feet within a Commercial zoning district: Thirty-five (35) percent.</p>	The south and west elevations are subject to this standard. The applicant states that the south elevation has 37 percent glazing and the west elevation has 41 percent glazing.	<b>Yes</b>



### Section 60.05.20 Circulation and Parking Lot Design Standards

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.05.20.1 Connections to public street system			
60.05.20.1. A	Pedestrian, bicycle, and motor vehicle connections shall be provided between the on-site circulation systems and adjacent existing and planned streets...	The applicant has shown on the submitted plans that the on-site pedestrian, bicycle and motor vehicle circulation systems are connected to all abutting public circulation systems.	<b>Yes</b>
60.05.20.2 Loading Areas, solid waste facilities and similar improvements			
60.05.20.2. A-C	<p>All on-site service areas, outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer and utility vaults and similar activities shall be located in an area not visible from a public street, or shall be fully screened from view from a public street.</p> <p>Screening from public view for service areas, loading docks, loading zones and outdoor storage areas, waste storage, disposal facilities, recycling containers, transformer ...shall be fully sight-obscuring...</p>	The applicant's plans show that the trash enclosure will be fully screened within a separate structure.	<b>Yes</b>
60.05.20.3 Pedestrian Circulation			
60.05.20.3. A	Pedestrian connections shall be provided that link to adjacent existing and planned pedestrian facilities ... to the abutting public street	The site abuts three (3) public streets, SW Beaverton Hillsdale Highway, SW 107 <sup>th</sup> Avenue and SW Laurel Road. Only SW Beaverton Hillsdale Highway is developed with an existing sidewalk.	<b>Yes</b>

	system and on-site buildings, parking areas, and other facilities where pedestrian access is desired.	However, the applicant is proposing to improve all three (3) adjacent public right-of-ways to city standards and connect internal pedestrian facilities to the adjacent public pedestrian facilities.	
60.05.20.3.B	A reasonably direct walkway connection is required between primary entrances, which are the main point(s) of entry where the majority of building users will enter and leave, and public and private streets, transit stops, and other pedestrian destinations.	The proposed connections will connect the building's main entrances to the proposed adjacent sidewalks and to the existing adjacent bus stop along SW Beaverton Hillsdale Highway.	<b>Yes</b>
60.05.20.3.C	A reasonably direct pedestrian walkway into a site shall be provided for every 300 feet of street frontage...	The applicant states that the longest frontage is along SW 107 <sup>th</sup> Avenue and is approximately 290 feet long. The proposal includes direct pedestrian walkways are provided at all three (3) frontages. The proposed pedestrian connections meet the standard.	<b>Yes</b>
60.05.20.3.D	Pedestrian connections through parking lots shall be physically separated from adjacent vehicle parking and parallel vehicle traffic through the use of curbs, landscaping, trees, and lighting...	The applicant's plans show that curbing and landscaping will be used to separate pedestrian traffic from adjacent vehicle parking and parallel vehicular traffic.	<b>Yes</b>
60.05.20.3.E	Where pedestrian connections cross driveways or vehicular access aisles a continuous walkway shall be provided, and shall be composed of a different paving material than the primary on-site paving material.	Where pedestrian pathways cross vehicular drive aisles, the applicant's plans show that concrete will be used to distinguish the walkways from the asphalt parking and drive aisle areas.	<b>Yes</b>
60.05.20.3.F	Pedestrian walkways shall	The applicant has shown on the	

	have a minimum of five (5) foot wide unobstructed clearance and shall be paved with scored concrete or modular paving materials...	plans, that all walkways will be at least five (5) feet wide and will be constructed of concrete. The walkways at the primary building entrances (south and west elevations) will be at least eight (8) feet in width.	<b>Yes</b>
<b>60.05.20.4 Street Frontages and Parking Areas</b>			
60.05.20.4	Surface parking areas abutting a public street shall provide perimeter parking lot landscaping which meets one of the following standards: --A minimum 6-foot-wide planting strip between the right of way and the parking area. Pedestrian walkways and vehicular driveways may cross the planting strip. Trees shall be 2 ½ inch caliper at a maximum of 30 feet on center. Planting strips shall be planted with an evergreen hedge that will provide a 30-inch-high screen and 50% opacity within two years. The maximum height shall be maintained at no more than 36 inches. Areas not covered by trees or hedge shall be landscaped with live ground cover.	The applicant's plans show a planting strip six (6) feet in width between the proposed parking along the SW 107 <sup>th</sup> Avenue frontage, SW Laurel Road frontage and public right-of-way. The proposed planting plan meets the standard requirements of this section.	<b>Yes</b>
60.05.20.5.A	Landscaped planter islands shall be required...one for every ten (10) contiguous parking spaces.	The applicant's plans show that there are no banks of more than 10 parking spaces without landscape islands, as required.	<b>Yes</b>
60.05.20.5.B	The island[s] shall have a minimum area of 70 square feet, and a minimum width of 6 feet, and shall be curbed to	The applicant states that landscape planter islands will be curbed with a minimum width of six feet and a minimum area of 70 square feet. The landscape islands	<b>Yes</b>

	protect landscaping. The landscaped island shall be planted with a tree...	will be placed evenly throughout the parking area. A tree with a minimum mature height of 20 feet is proposed in each landscape island.	
60.05.20.5.C	Linear raised sidewalks and walkways within the parking area connecting the parking spaces and on-site buildings may be counted toward the total required number of landscaped islands...	The applicant states that raised sidewalks have not been counted toward the total required number of landscaped islands.	<b>Yes</b>
60.05.20.5.D	Trees planted within required landscape planter islands...shall be of a type and species identified by the City of Beaverton Street Tree List....	The applicant states that trees to be planted in the landscaped planter islands are listed in the City of Beaverton Street Tree List.	<b>Yes</b>
60.05.20.7A	A sidewalk is required on all streets. Except where approved through Sidewalk Design Modification ... the sidewalk shall be a minimum of 10 feet wide, and provide an unobstructed path at least 5 feet wide.	The applicant proposes a ten (10) foot wide sidewalk with tree wells along SW Beaverton Hillsdale Highway. However, the applicant's plans show a five (5) foot wide sidewalk, behind a ten (10) foot wide landscape strip along SW 107 <sup>th</sup> Avenue and five (5) foot wide sidewalk behind a seven (7) foot wide landscape strip along SW Laurel Road. The applicant has applied for approval of a Sidewalk Design Modification application to construct the sidewalks as proposed.	<b>Yes</b>
60.05.20.7B	A sidewalk or walkway internal to the site is required along building elevations that include a primary building entrance, multiple tenant entrances, or display windows. The sidewalk shall be a minimum of 10 feet wide, and provide	The applicant's plans show a ten (10) foot wide walkway along the western elevation, containing one primary entrance. However, the walkway along the southern elevation, containing the second primary entrance, is shown to be only eight (8) to nine (9) feet in width. Staff has included a condition of approval which	<b>Yes with COA</b>

	an unobstructed path at least 5 feet wide at building entrances, and along elevations containing display windows. Sidewalks shall be paved with scored concrete or modular paving materials. If adjacent to parking areas, the sidewalk shall be separated from the parking by a raised curb.	requires that the walkway along the southern elevation be at least ten (10) feet in width to meet this standard.	
<b>60.05.20.8 Connect on-site buildings, parking, and other improvements with identifiable streets and drive aisles in Residential, Multiple-Use, and Commercial Districts.</b>			
60.05.20.8. A	Parking lot drive aisles that link public streets and/or private streets with parking stalls shall be designed as private streets consistent with the standard as described under Section 60.05.20.8.B., unless one or more of the following is met: -The parking lot drive aisle is less than 100 feet long; or ... -The parking lot drive aisle provides direct access to angled or perpendicular parking stalls.	The applicant's plans show that the proposed parking lot drive aisles provide direct access to perpendicular and angled parking stalls, therefore meeting the exemption to the Design Standard.	<b>N/A</b>
<b>60.05.25 Landscape, Open Space, and Natural Areas Design Standards.</b>			
60.05.25.5. A	15% of the total gross lot area in Commercial zoning districts shall be landscaped.	The applicant states that 20.5% of the total gross lot is landscaped. The applicant's plans show that landscaping is provided in areas not used for vehicular or pedestrian circulation areas or occupied by the proposed building area.	<b>Yes</b>
60.05.25.5.B	Landscaped areas are to have at least 1 tree and	The site requires 9,363 square feet of landscaping, therefore, a	<b>Yes</b>

	2 evergreen shrubs for every 800 square feet of required landscaped area, and all other portions of the landscaped area are to have live ground cover. Up to 25% of the required landscaped area may be bare gravel, rock, bark or other similar materials.	minimum of 12 trees is required. The applicant states that 62 trees will be provided on the site and will be consistent with planting size requirements of this standard. The applicants planting plans shows that all proposed trees are a minimum of 2 caliper inches. The applicant states that 24 evergreen shrubs are required but 290 evergreen shrubs will be provided on the site and will be consistent with the planting size requirements. The applicant's plans show live ground cover to be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs.	
60.05.25.5. D	Where buildings lack ground floor windows, additional landscape screening is required.	The applicant's plans show that the proposed building provides windows on the ground floor.	<b>Yes</b>
60.05.25.8	Retaining walls greater than six (6) feet in height or longer than fifty (50) lineal feet used in site landscaping or as an element of site design shall be architecturally treated with contrasting scoring, or texture, or pattern, or off-set planes, or different applied materials, or any combination of the foregoing, and shall be incorporated into the overall landscape plan...Materials used on retaining walls should be similar to materials used in other elements of the landscape plan or related buildings...	The applicant has proposed a screen wall along the southern and western elevations, a portion of which is in excess of 50 lineal feet. The applicant's plans state that the screen wall will have a stucco finish to match the proposed building.	<b>Yes</b>
60.06.25.9	Fences and walls shall be constructed of any	The site is over 60,000 square feet, therefore, does not have a	<b>N/A</b>

	materials commonly used in the construction of fences and walls such as wood, stone, rock or brick or other durable materials. Chain link fences are only permitted if coated and include slats. Masonry walls shall be at least six inches thick. All other walls shall be a minimum of three inches thick. Fences and walls may not exceed three feet in height in a required front yard...	required front yard. This standard does not apply.	
60.05.25.11	Integrate above-ground water quality/quantity facilities into the landscaping.	The proposed stormwater detention facility is to be placed underground. The applicant states that no stormwater facilities are proposed between the front of the building and the street (Beaverton Hillsdale Highway).	<b>Yes</b>
60.05.25.13	All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table 60.05-2. B1 (Low-Screen) Buffers require 1 tree for every 30 feet and shrubs and live ground cover in between.	The site is zoned CS and is located across the street from Washington County R-15 zoning, a residential zone. The equivalent zone in the city, per Exhibit B of the Urban Planning Area Agreement, is R-2. Therefore, a five (5) foot wide B1 buffer is required along SW Laurel Road. The applicant's landscape plan show that the buffer will be planted with trees and shrubs.	<b>Yes</b>

**Design Review Standards Analysis and Findings Chart**

## Section 60.05.30 Lighting Design Standards

<b>DESIGN STANDARD</b>		<b>PROJECT PROPOSAL</b>	<b>MEETS STANDARD?</b>
60.05.30.1.A	Lighting shall be provided at lighting levels for development and redevelopment in all zoning districts consistent with the City's Technical Lighting Standards.	The applicant states that the proposed lighting for this project complies with the City's Technical Lighting Standards. The applicant has submitted a photometric site plan and lighting details. All entries are illuminated to sufficient levels. However, the submitted photometric plan also shows that the illumination levels at some property lines exceed the maximum permitted. Refer to the included photometric plan and lighting cut sheets for detailed lighting fixture and lighting level information. Staff has included a condition of approval requiring that the applicant revise the lighting plan to comply with the City's Technical Lighting Standards or explain and document why the standards are unattainable if out of the applicant's control.	<b>Yes with COA</b>
60.05.30.1.B	Lighting shall be provided in vehicular circulation areas and pedestrian circulation areas.	Lighting of vehicular areas is to be accomplished with pole mounted lights. Pedestrian areas will be illuminated with on-building fixtures as well as light from parking area pole lights.	<b>Yes</b>
60.05.30.1.C	Lighting shall be provided in pedestrian plazas, if any developed.	The applicant proposes a small plaza area near the western entrance. This area is proposed to be illuminated with light fixtures mounted on top of the surrounding screen wall.	<b>Yes</b>
60.05.30.1.D	Lighting shall be provided at building entrances.	Wall mounted lighting is shown to be provided at the building entrances.	<b>Yes</b>
60.05.30.1.E	Canopy lighting shall be recessed so that the bulb or lens is not	Canopy lighting is not proposed.	<b>N/A</b>



	visible from a public right-of-way.		
60.05.30.2.A	Pole-mounted luminaires shall not exceed 30 feet in height.	The proposed light poles are 22 feet high.	<b>Yes</b>
60.05.30.2.B	Wall-mounted lights shall not be more than 15 feet above finished grade.	The top of the proposed wall-mounted lights is approximately 13.5 feet above the ground.	<b>Yes</b>
60.05.30.2.C	Lighted bollards when used to delineate on-site pedestrian and bicycle pathways shall have a maximum height of forty-eight (48) inches.	There are no lighted bollards proposed with this application.	<b>N/A</b>

### **Evaluation of Design Standards identified above**

Hereto, staff finds that the applicant has provided sufficient evidence to show how the plan proposal meets applicable Design Standards (identified in the table summary above).

### **RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL of DR2017-0068 Chick-Fil-A Restaurant**, subject to the conditions in Attachment D.

**ANALYSIS AND FINDINGS FOR  
Sidewalk Design Modification  
SDM2017-0008 Chick-Fil-A Restaurant**

**Section 40.58.05 Sidewalk Design Modification; Purpose**

*The purpose of the Sidewalk Design Modification application is to provide a mechanism whereby the City's street design standards relating to the locations and dimensions of sidewalks or required street landscaping can be modified to address existing conditions and constraints as a specific application. For purposes of this section, sidewalk ramps constructed with or without contiguous sidewalk panels leading to and away from the ramp shall be considered sidewalks. This Section is implemented by the approval criteria listed herein.*

**Section 40.58.15.C. Approval Criteria**

*In order to approve a Sidewalk Design Modification application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that the following criteria are satisfied:*

- 1. *The proposal satisfies the threshold requirements for a Sidewalk Design Modification application.***

**Facts and Findings:**

Section 40.58.15.A.1 Threshold: *An application for Sidewalk Design Modification shall be required when the following threshold applies:*

- 1. The sidewalk width, planter strip width, or both minimum standards specified in the Engineering Design Manual are proposed to be modified.*

The applicant proposes to modify both the minimum sidewalk width and the minimum planter strip width. The Beaverton Development Code states that sidewalks along streets and primary building elevations in Commercial and Multiple Use zones shall be a minimum of ten (10) feet wide, and provide an unobstructed path of at least five (5) feet wide, unless approved through Sidewalk Design Modification (Section 60.05.20.7.A). The applicant's plan show a five (5) foot wide sidewalk, behind a ten (10) foot wide planter strip along SW 107<sup>th</sup> Avenue and a seven (7) foot wide planter with a five (5) foot wide sidewalk along SW Laurel Street. Additionally the applicant's plans do not propose treewell grates as required for curb-tight sidewalk designs.

**Therefore, staff finds the proposal meets the criterion for approval.**

- 2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

**Facts and Findings:**

The City of Beaverton received the appropriate fee for a Sidewalk Design Modification application.

**Therefore, staff finds the proposal meets the criterion for approval.**

3. ***One or more of the following criteria are satisfied:***
- a. ***That there exist local topographic conditions, which would result in any of the following:***
    - i. ***A sidewalk that is located above or below the top surface of a finished curb.***
    - ii. ***A situation in which construction of the Engineering Design Manual standard street cross-section would require a steep slope or retaining wall that would prevent vehicular access to the adjoining property.***
  - b. ***That there exist local physical conditions such as:***
    - i. ***An existing structure prevents the construction of a standard sidewalk.***
    - ii. ***An existing utility device prevents the construction of a standard sidewalk.***
    - iii. ***Rock outcroppings prevent the construction of a standard sidewalk without blasting.***
  - c. ***That there exist environmental conditions such as a Significant Natural Resource Area, Jurisdictional Wetland, Clean Water Services Water Quality Sensitive Area, Clean Water Services required Vegetative Corridor, or Significant Tree Grove.***
  - d. ***That additional right-of-way is required to construct the Engineering Design Manual standard and the adjoining property is not controlled by the applicant.***

The applicant will dedicate right-of-way to Washington County's and Beaverton's Neighborhood Route standards and ODOT Arterial Street standards. The proposed sidewalk along SW Laurel Street is shown on the applicant's plans to meet the Engineering Design Manual standards for Neighborhood Routes but does not meet the Development Code's Design Review Standard (60.05.20.7.B). The applicant is required to dedicate five (5) feet of right-of-way along SW Laurel Street which is not enough to meet the ten (10) foot wide sidewalk standard required by the Development Code. The sidewalk along SW 107<sup>th</sup> Avenue shows a modified proposal to accommodate a necessary ten (10) foot wide stormwater management facility (LIDA swale) proposed to be located in the public right-of-way. Though the width of the sidewalk along SW Beaverton Hillsdale Highway is shown to meet the Design Standard, the applicant is not proposing to cover the tree wells with tree grates due to future right-of-way changes. The proposed sidewalk on SW Beaverton Hillsdale Highway is designed to accommodate the future changes. However, because of this design, there is no curb anchor for the tree grate.

**Therefore, staff finds the proposal meets the criterion for approval.**

4. ***The proposal complies with provisions of Section 60.55.25 (Street and Bicycle and Pedestrian Connection Requirements) and 60.55.30 (Minimum Street Widths).***

#### **Facts and Findings:**

As noted in the Facilities Review Criteria (Attachment A) and Design Review (Attachment B) findings above, the applicant has demonstrated that the proposal complies with the

connection requirements and that each street has been developed to at least the minimum width required.

**Therefore, staff finds the proposal meets the criterion for approval.**

5. ***Applications and documents related to the request, which will require further City approval, have been submitted to the City in the proper sequence.***

**Facts and Findings:**

The applicant has submitted to the City the applications and documents as required. Site Development and Building Permits will be submitted in the proper sequence.

**Therefore, staff finds the proposal meets the criterion for approval.**

6. ***The proposed Sidewalk Design Modification provides safe and efficient pedestrian circulation in the site vicinity.***

**Facts and Findings:**

As documented in the Facilities Review findings (Attachment A), the applicant has demonstrated that the proposed sidewalk configurations and widths meet the minimum Washington County and ODOT standards and will provide safe and efficient pedestrian circulation for the site. The proposed configurations along SW 107<sup>th</sup> Avenue and SW Laurel provide pedestrian separation and protection from the vehicular traffic by use of a landscape planter, while still providing five (5) foot unobstructed paths. Though the proposed tree wells on SW Beaverton Hillsdale Highway are not grated, the applicant's plans show that a five (5) foot wide unobstructed path is still maintained.

**Therefore, staff finds the proposal will meet the criterion for approval by meeting the conditions of approval.**

**RECOMMENDATION**

Based on the facts and findings presented, staff recommends **APPROVAL** of **SDM2017-0008 Chick-Fil-A Restaurant** subject to the applicable conditions identified in Attachment D.

**CONDITIONS OF APPROVAL**  
**DR2017-0045, SDM2017-0008 Chick-Fil-A Restaurant**

1. Deliveries to the site shall occur within the permitted hours of operation in the zone, between 7:00 am and 10:00 pm. (Planning/ES)

**Prior to issuance of the site development permit, the applicant shall:**

2. Submit the required plans, application form, fee, and other items needed for a complete site development permit application per the applicable review checklist. (Site Development Div./JJD)
3. Contract with a professional engineer to design and monitor the construction for work governed by Beaverton Municipal Code 9.05.020, as set forth in Ordinance 4417 (City Engineering Design Manual and Standard Drawings), Beaverton Development Code (Ordinance 2050, 4010 +rev.), the Clean Water Services District Design and Construction Standards (April 2017, Resolution and Ordinance 2017-05), and the City Standard Agreement to Construct and Retain Design Professionals in Oregon. (Site Development Div./JJD)
4. Submit a completed and executed City Standard Agreement to Construct Improvements and Retain Design Professional(s) Registered in Oregon. After the site development permit is issued, the City Engineer and the Planning Director must approve all revisions as set out in Ordinances 2050, 4010+rev., and 4417; however, any required land use action shall be final prior to City staff approval of the engineering plan revision and work commencing as revised. (Site Development Div./JJD)
5. Have the ownership of the subject property guarantee all public improvements, site grading, storm water management (quality) facilities (including LIDA facility plantings) and emergency vehicle access paving by submittal of a City-approved security. The security approval by the City consists of a review by the City Attorney for form and the City Engineer for amount, equivalent to 100 percent or more of estimated construction costs. (Site Development Div./JJD)
6. Submit any required off-site easements, executed and ready for recording, to the City after approval by the City Engineer for legal description of the area encumbered and City Attorney as to form. (Site Development Div./JJD)
7. Submit to the City a copy of issued permits or other approvals needed from the Oregon Department of Transportation for work within, and/or

construction access to the Beaverton-Hillsdale Highway. (Site Development Div./JJD)

8. Submit to the City a copy of issued permits or other approvals needed from Washington County for work within, and/or construction access to the SW 107th Avenue right of way. (Site Development Div./JJD)
9. Submit a copy of issued permits or other approvals needed from the West Slope Water District for public water system construction, backflow prevention facilities, and service extensions. (Site Development Div./JJD)
10. Have obtained the Tualatin Valley Fire and Rescue District Fire Marshal's approval of the site development plans as part of the City's plan review process. (Site Development Div./JJD)
11. Have obtained approvals needed from the Clean Water Services District for storm system connections as a part of the City's plan review process. (Site Development Div./JJD)
12. Submit plans for erosion control per 1200-CN General Permit (DEQ/CWS/City Erosion Control Joint Permit) requirements to the City if the proposed disturbed area is greater than one acre. If needed, the applicant shall use the plan format per requirements for sites between 1 and 4.99 acres, adopted by DEQ and Clean Water Services. (Site Development Div./JJD)
13. Provide a detailed drainage analysis of the subject site and prepare a report prepared by a professional engineer meeting the standards set by the City Engineer. The analysis shall identify all contributing drainage areas and plumbing systems on and adjacent to the site with the site development permit application. The analysis shall also delineate all areas on the site that are inundated during a 100-year storm event in addition to any mapped FEMA flood plain. The site plans shall clearly show the 100-year flood limits on each plan sheet that contains elevation information. (Site Development Div./JJD)
14. Provide construction plans that show how each lot will be independently served by utility systems as required by the City Engineer and City Building Official per City standards. All site sewer (storm and sanitary) plumbing that serves more than one lot, or crosses onto another lot, shall be considered a public system and shall be constructed to the requirements of the City Engineer. Sheet flow of surface water from one lot's paved area to another lot's paved area shall not be considered a direct plumbing service. (Site Development Div./JJD)
15. Provide final construction plans and a final drainage report demonstrating compliance with CWS Resolution and Order 2017-05 in regard to quality

treatment as generally outlined in the preliminary analysis, dated June 16, 2017 (Bayfilter and LIDA Planter). (Site Development Div./JJD)

16. Submit an owner-executed, notarized, City/CWS standard private stormwater facilities maintenance agreement for the private storm water treatment facilities, including frontage LIDA planter, with maintenance plan and all standard exhibits, including site legal description, ready for recording with Washington County Records. (Site Development Div./JJD)
17. Submit to the City a certified impervious surface determination of the entire site prepared by the applicant's engineer, architect, or surveyor. The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total for that phase. In addition, changes in specific types of impervious area totals, in square feet, shall be given for roofs, parking lots and driveways, sidewalk and pedestrian areas, and any gravel surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site or individual tax lots if applicable. (Site Development Div./JJD)
18. Pay storm water system development charges (storm water quantity and overall system conveyance) for all net, new impervious surface area created for the entire project. (Site Development Div./JJD)
19. Provide plans for the placement of underground utility lines along street frontages, within the site, and for services to the proposed new development. No utility service lines to the structures shall remain overhead on site. If existing utility poles along existing street frontages must be moved to accommodate the proposed improvements, the affected lines must be either undergrounded or a fee in lieu of undergrounding paid per Section 60.65 of the Development Code. (Site Development Div./JJD)
20. Provide evidence that new driveway intersections meet City requirements for intersection sight distance. No obstructions shall be placed within the driveway intersection sight vision triangle except as provided by City Ordinance, including but not limited to parking. New driveway intersections shall meet sight distance criteria in the City of Beaverton's Engineering Design Manual for the design speed of the roadway. (Transportation/KR)
21. Provide detailed plans that show bicycle parking to accommodate 2 long-term and 2 short-term bike parking spaces. The short-term spaces are to be provided by an inverted staple, or U-shaped rack that is centered within a 6-foot by 4-foot area of concrete or similar all-weather surface, and should be as close as possible to the main entrance. Long-term parking spaces are required to be lighted and covered. Bicycle parking spaces should not be located closer than 2 feet to a building wall. (Transportation/KR)

22. Obtain any needed permits from ODOT for work within the SW Beaverton Hillsdale Hwy right-of-way. (Transportation/KR)
23. Record non-access reservations with Washington County for the entire SW Beaverton Hillsdale Highway frontage, and along the entire SW 107th Avenue frontage except for the approved access granted by the County Engineer. (Transportation/KR)
24. Submit plans that show the provision of street trees along SW Beaverton Hillsdale Highway and SW 107th Avenue, subject to approval from ODOT and County staff. (Transportation/KR)
25. Submit plans that show a safe and efficient circulation pattern for vehicles at the SW 107th Avenue and SW Laurel Street driveways. The on-site parking spaces shall be set back far enough from the right-of-way to provide 20 feet between the first stall and the back of the sidewalk. (Transportation/KR)
26. Submit plans which show walkways at least ten (10) feet wide along all elevations with primary entrances, in compliance with Section 60.05.20.5.B of the Beaverton Development Code. (Planning/ES)
27. Submit a plan demonstrating that pedestrian walkways adjacent to parking stalls, where vehicle bumpers may project into the walkway, will maintain an unobstructed path of at least four (4) feet in width the entire length of the walkway. (Planning/ES).
28. Submit photometric plans that show that all pedestrian pathways are lighted to at least 0.5 foot-candles. (Transportation/KR)
29. Submit a photometric plan which shows that the proposed lighting will not exceed the maximum lighting levels permitted at property lines, in compliance with the City's Technical Lighting Standards found in the Beaverton Development Code, Table 60.05-1. (Planning/ES)
30. Submit plans that show that additional lighting will be installed at the two site driveways sufficient to meet Washington County lighting standards, as applicable. (Transportation/KR)
31. Submit landscaping plans that show that vehicle parking spaces that face the public right-of-way will be screened with a low hedge or wall to meet the standards of Section 60.05.20.4 of the Development Code. (Transportation/KR)
32. Submit plans that show dedication of 8 feet of right-of-way along SW Beaverton Hillsdale Hwy., 10 feet along SW 107th Ave., and 5 feet along SW Laurel St. (Transportation/KR)



**Prior to building permit issuance, the applicant shall:**

1. Submit a complete site development permit application and obtain the issuance of site development permit from the Site Development Division. (Site Development Div./JJD)
2. Make provisions for installation of all mandated erosion control measures to achieve City inspector approval at least 24 hours prior to call for foundation footing form inspection from the Building Division. (Site Development Div./JJD)

**Prior to an occupancy permit issuance, the applicant shall:**

1. Have substantially completed the site development improvements as determined by the City Engineer. (Site Development Div./JJD)
2. Have the landscaping completely installed or provide for erosion control measures around any disturbed or exposed areas per Clean Water Services standards. (Site Development Div./JJD)
3. Have placed underground all existing overhead utilities and any new utility service lines within the project and along any existing street frontage as determined at permit issuance. (Site Development Div./JJD)
4. Install or replace, to City specifications, all sidewalks which are missing, damaged, deteriorated, or removed by construction. (Site Development Div./JJD)
5. Have obtained a Source Control Permit (AKA Industrial Sewage Permit) from the Clean Water Services District and submitted a copy to the City Building Official if such a permit is required, as determined by CWS. (Site Development Div./JJD)

**Prior to release of performance security, the applicant shall:**

1. Have completed the site development improvements as determined by the City Engineer and met all outstanding conditions of approval as determined by the City Engineer and Planning Director. Additionally, the applicant and professional(s) of record shall have met all obligations under the City Standard Agreement to Construct Improvements and Retain Design Professional Registered in Oregon, as determined by the City Engineer. (Site Development Div./JJD)

2. Submit any required on-site easements, executed and ready for recording, to the City after approval by the City Engineer for area encumbered and City Attorney as to form. The applicant's engineer or surveyor shall verify all pre-existing and proposed easements are of sufficient width to meet City standards. (Site Development Div./JJD)
3. Provide evidence of a post-construction cleaning, system maintenance, and StormFilter recharge/replacement per manufacturer's recommendations for the site's proprietary storm water treatment systems by Bayfilter qualified maintenance provider as determined by the City Engineer. Additionally, another servicing report from the maintenance provider will be required prior to release of the required maintenance (warranty) security. (Site Development Div./JJD)
4. Provide an additional performance security for 100 percent of the cost of plants, planting materials, and any maintenance labor (including irrigation) necessary to achieve establishment of the vegetation within the LIDA planter area, as determined by the City Engineer. If the plants are not well established (as determined by the City Engineer and City Planning Director) within a period of two years from the date of substantial completion, a plan shall be submitted by the engineer of record or landscape architect that documents any needed remediation. The remediation plan shall be completely implemented and deemed satisfactory by the City Engineer prior to release of the security. (Site Development Div./JJD)



August 16, 2017

Elena Sasin  
Assistant Planner  
City of Beaverton  
12725 SW Millikan Way  
Beaverton, OR 97005

**RE: DR2017-0068 CHIK-FIL-A RESTAURANT**

Dear Elena Sasin,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. These notes are provided in regards to the plans received 8/8/2017. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

1. **COMMERCIAL BUILDINGS – REQUIRED FIRE FLOW:** The minimum fire flow and flow duration shall be determined in accordance with OFC Table B105.2. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi residual. (OFC B105.3)  
**Note:** OFC B106, Limiting Fire-Flow is also enforced, except for the following:
  - The maximum needed fire flow shall be 3,000 GPM, measured at 20 psi residual pressure.
  - Tualatin Valley Fire & Rescue does not adopt Occupancy Hazards Modifiers in section B105.4-B105.4.1
2. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B) ***Provide fire flow calculations by site development review.***
3. **FIRE DEPARTMENT CONNECTION (FDC) LOCATIONS:** FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved. (OFC 912.2.1 & NFPA 13) ***Provide a fire hydrant near the FDC.***

4. **KNOX BOX:** A Knox Box for building access may be required for structures and gates. See Appendix B for further information and detail on required installations. Order via [www.tvfr.com](http://www.tvfr.com) or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1)  
***A Knox Box is required for this building.***
5. **FIRE PROTECTION EQUIPMENT IDENTIFICATION:** Rooms containing controls to fire suppression and detection equipment shall be identified as "Fire Control Room." Signage shall have letters with a minimum of 4 inches high with a minimum stroke width of 1/2 inch, and be plainly legible, and contrast with its background. (OFC 509.1)

If you have questions or need further clarification, please feel free to contact me at 503-259-1414.

Sincerely,

*Jeremy Foster*

Jeremy Foster  
Deputy Fire Marshal II



# Oregon

Kate Brown, Governor

Exhibit 2.2  
Department of Transportation  
Region 1 Headquarters  
123 NW Flanders Street  
Portland, Oregon 97209  
(503) 731.8200  
FAX (503) 731.8259

8/22/17  
#7242

ODOT

## ODOT Response

<b>Project Name:</b> Chick-Fil-A at B-H Hwy and SW 107th Ave	<b>Applicant:</b> Serah Breakstone, Dowl
<b>Jurisdiction:</b> City of Beaverton	<b>Jurisdiction Case #:</b> PA2016-0027
<b>Site Address:</b> 10655 SW Beaverton-Hillsdale Hwy.	<b>Legal Description:</b> 01S 01W 14BC <b>Tax Lot(s):</b> 01900
<b>State Highway:</b> OR 10	<b>Mileposts:</b> 1.32

*The site of this proposed land use action is adjacent to Beaverton Hillsdale Hwy. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.*

### COMMENTS/FINDINGS

*All improvements (access, frontage, roadway etc.) within the State highway right of way are subject to the ODOT Highway Design Manual (HDM) standards; otherwise, a Design Exception by a licensed engineer is required to be submitted for review, and approval must be obtained or an alternative design that meets Highway Design Manual standards must be used. Until more detailed plans have been reviewed, ODOT cannot make a determination whether design elements will require a Design Exception.*

*Note: If a Design Exception is required, it may take up to 3 months to process.*

*All ODOT permits and approvals must reach 100% plans before the District Contact will sign-off on a local jurisdiction building permit, or other necessary requirement prior to construction.*

### ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

#### Frontage Improvements and Right of Way

- ☒ *Curb, sidewalk, cross walk ramp(s) bikeways and road widening shall be constructed as necessary to be consistent with local, ODOT and ADA standards.*

- ☒ *Right of way deeded to ODOT as necessary to accommodate the planned cross section shall be provided. The deed must be to the State of Oregon, Oregon Department of Transportation. The ODOT District contact will assist in coordinating the transfer. ODOT should provide verification to the local jurisdiction that this requirement has been fulfilled. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site prior to transfer of property to the Department.  
Note: It may take up to 3 months to transfer ownership of property to ODOT.*

Permits and Agreements to Work in State Right of Way

- ☒ *An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way. When the total value of improvements within the ODOT right of way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the transfer of ownership of the improvement to ODOT. An Intergovernmental Agreement (IGA) is required for agreements involving local governments and a Cooperative Improvement Agreement (CIA) is required for private sector agreements. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.  
Note: If a CIA is required, it may take up to 6 months to process.*
- ☒ *The applicant must obtain an ODOT permit to place trees in the state right of way. Tree spacing and design must be consistent with the ODOT Highway Design Manual ([https://www.oregon.gov/ODOT/HWY/ENGSERVICES/Pages/hwy\\_manuals.aspx](https://www.oregon.gov/ODOT/HWY/ENGSERVICES/Pages/hwy_manuals.aspx)) or ODOT must approve a Design Exception. If trees are proposed in the planter strip a Design Exception for the clear zone is required.  
Note: It may take up to 3 months to process a Design Exception.*
- ☒ *An ODOT Miscellaneous Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way. A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:*
- 1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or*
  - 2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.*

*Please send a copy of the Notice of Decision including conditions of approval to:*

ODOT Region 1 Planning  
Development Review  
123 NW Flanders St  
Portland, OR 97209

**[Region1\\_DEVREV\\_Applications@odot.state.or.us](mailto:Region1_DEVREV_Applications@odot.state.or.us)**

Development Review Planner: Seth Brumley	503.731.8234, Seth.A.Brumley@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221
District Contact: James Nelson	971.673.2942



**WASHINGTON COUNTY, OREGON**

Department of Land Use and Transportation, Operations & Maintenance Division  
1400 SW Walnut Street, MS 51, Hillsboro, Oregon 97123-5625  
(503) 846-7623 • FAX: (503) 846-7620

September 15, 2017

**Elena Sasin  
City of Beaverton  
Planning Division  
Beaverton, OR 97076**

**RE: Chick-Fil-A Restaurant & Drive-thru**  
City File Number: **DR2017-0068**  
County File Number: **CP17-917**  
Tax Map and Lot Number: **1S114BC01900**  
Location: **SW 107<sup>th</sup> Avenue/SW Beaverton-Hillsdale Hwy**



**Washington County Department of Land Use and Transportation** has reviewed this development application for a fast-food restaurant with a drive-thru. Access to the site is proposed via a driveway on SW Laurel Street (Local Street) and a right-in/right-out only access on SW 107<sup>th</sup> Avenue (Neighborhood Route). Both streets are County-maintained road sections.

**FINDINGS:**



1. ***The Washington County Engineer has reviewed the Traffic Impact Analysis (Kittleson & Associates – June 15, 2017) submitted for this development proposal as required by R&O 86-95. The County Engineer concurs with the Transportation Impact Analysis provided that the access on SW 107<sup>th</sup> Avenue is constructed as a right-in/right-out with a median and modification of the onsite circulation and parking (refer to the revised plan Sheet C2.0 dated 9/25/17).***
2. ***Resolution and Order 86-95 requires a minimum sight distance (measured in feet) equal to ten times the vehicular speed of the road(s) at proposed access location(s). This requirement applies to sight distance in both directions at each access.***

***The applicant will be required to provide preliminary certification from a registered professional engineer that adequate sight distance exists in both directions (or can be obtained pursuant to specific improvements) at both driveways, including at the intersection of SW 107<sup>th</sup> Avenue and SW Laurel Avenue prior to commencing any site preparation activities.***

3. Consistent with statewide pedestrian circulation/linkage goals of the Transportation Planning Rule and the County's R&O 86-95 (road safety requirements), the County normally requires sidewalk installation as a minimum road safety improvement along site frontage of all County-maintained roads. Sidewalks further establish future street profiles, demarcate County or City right-of-way, and address drainage issues. Sidewalk requirements are not generally waived, even when sidewalk is not currently present on neighboring properties. Rather, even non-contiguous sidewalk is considered to provide some measure of pedestrian refuge and ideally, makes possible eventual connection of sidewalks (as surrounding development takes place and is likewise conditioned to provide sidewalk). Additionally, the Washington County Road Design and Construction Standards require provision of adequate drainage along a site's frontage of a county road.

***The applicant shall construct a half-street improvement on SW 107<sup>th</sup> Avenue to a County NR-4 standard (no bike lane), with 12 foot minimum lane widths. Staff notes that the applicant is required to construct a five (5) foot sidewalk and six (6) foot planter strip on SW 107<sup>th</sup> Avenue in compliance with City width standards. Additionally, a five (5) foot sidewalk (curb-tight) on SW Laurel Street is required. Street trees and illumination shall be to City standards.***

4. The statewide Transportation Planning Rule requires provision for adequate transportation facilities in order for development to occur. Accordingly, the County has classified roads and road segments within the County system based upon their function. The current Transportation Plan (regularly updated) contains adequate right-of-way, road width and lane provision standards based upon each roadway's classification. Subject right of way is considered deficient if half-width of the existing right of way does not meet that determined necessary within the County's current transportation plan.

***The applicant is required to dedicate additional right-of-way to provide a total of 30 feet from the centerline of SW 107<sup>th</sup> Avenue, including adequate corner radius at the intersection with SW Beaverton-Hillsdale Highway. Right-of-way along the site's frontage of SW Laurel Street is adequate per the current County Transportation System Plan.***

### **REQUIRED CONDITIONS OF APPROVAL**

#### **I. PRIOR TO APPROVAL OF A SITE DEVELOPMENT PERMIT BY THE CITY OF BEAVERTON:**

- A. The following shall be recorded with Washington County (John Kidd – Survey 503.846.7932):
  1. Dedication of additional right-of-way to provide a total of 30 feet from the centerline of SW 107<sup>th</sup> Avenue, including adequate corner radius at the intersection with SW Beaverton-Hillsdale Highway.
- B. Submit to **Washington County** Public Assurance Staff, 503-846-3843:
  1. Completed "Design Option" form.
  2. **\$7,500.00** Administration Deposit.

*NOTE: The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

3. A copy of the City's Land Use Approval with Conditions, signed and dated, including a copy of this letter.
4. Preliminary certification of adequate sight distance at both accesses on County streets in accordance with County Code, prepared and stamped by a registered professional engineer, including:
  - a. A detailed list of improvements necessary to produce adequate intersection sight distance (refer to the following link for sight distance certification submittal requirements).  
<http://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/development-application-forms.cfm>
5. Three (3) sets of complete engineering plans for construction of the following public improvements, including a Geotech/Pavement report to support roadway sections:
  - a. Access to SW Laurel Street to County standards, including illumination to City standards.
  - b. Right-in/right-out access with a median on SW 107<sup>th</sup> Avenue to County standards, including illumination to City standards. Include striping at the access as shown on Sheet C2.0 of the submitted plan set dated 9/25/2017.
  - c. Improvements within the right-of-way as necessary to provide adequate intersection sight distance at the access on SW 107<sup>th</sup> Avenue and SW Laurel Street, including at the intersection of SW 107<sup>th</sup> Avenue/SW Laurel Street.
  - d. All work proposed within the right-of-way of SW 107<sup>th</sup> Avenue and SW Laurel Street to County standards with the exception of illumination at the approved accesses and sidewalk/planter strip widths. All LIDA Facilities shall be maintained by the City.
  - e. Construction of a half-street improvement to a minimum NR-4 County standard (no bike lane) on SW 107<sup>th</sup> Avenue. The half-street improvement shall consist of a

6' planter strip and 5' sidewalk in compliance with City width standards. Illumination shall be to City standards.

*Note: existing infrastructure may need to be relocated to accommodate the construction of public improvements as noted in the Notice of Decision.*

- f. Construction of a 5 foot sidewalk (curb-tight) on SW Laurel Street to County standards.

- C. Obtain a Washington County **Facility Permit** upon completion of the following:

- 1. Obtain Engineering Division approval and provide a financial assurance for the construction of the public improvements listed in conditions **I.B.5.**

**NOTE:** The Public Assurance staff (503-846-3843) will send the required forms to the applicant's representative **after** submittal and approval of items listed under **I.B.**

*The Facility Permit allows construction work within County rights-of-way and permits site access only after the developer first submits plans and obtains Washington County Engineering approval, obtains required grading and erosion control permits, and satisfies various other requirements of Washington County's Assurances Section including but not limited to execution of financial and contractual agreements. This process ensures that the developer accepts responsibility for construction of public improvements, and that improvements are closely monitored, inspected, and built to standard in a timely manner. **Access will only be permitted under the required Washington County Facility Permit, and only following submittal and County acceptance of all materials required under the facility permit process.***

### III. PRIOR TO ISSUANCE OF TEMPORARY OR FINAL OCCUPANCY:

Obtain a Finaled Washington County **Facility Permit**, contingent upon the following:

- A. The road improvements required in condition **I.B.5.** above shall be completed and accepted by Washington County.
- B. Upon completion of necessary improvements, submit **final** certification of adequate sight distance in accordance with County Code, prepared and stamped by a registered professional engineer for both accesses on County-maintained roads.

*Note: The property owner shall continuously maintain adequate sight distance. This may require the property owner to periodically remove obstructing vegetation from the road right-of-way (and on site).*

Naomi Vogel - Associate Planner

Cc: Rob Saxton P.E. - Road Engineering Services

Jinde Zhu P.E. – Traffic Engineering Services  
Paul Seitz - Assurances Section  
John Kidd – Survey Section  
Transportation File

### Building Division Comments:

The proposed project shall comply with the State of Oregon Building Code in effect as of date of application for the building permit. This currently includes the following: The 2012 edition of the International Building Code as published by the International Code Conference and amended by the State of Oregon (OSSC); The 2009 edition of the International Residential Code as published by the International Code Conference and amended by the State of Oregon (ORSC); 2012 International Mechanical Code as published by the International Code Council and amended by the State of Oregon (OMSC); the 2012 edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and amended by the State of Oregon (OPSC); the 2014 edition of the National Electrical Code as published by the National Fire Protection Association and amended by the State of Oregon; and the 2012 International Fire Code as published by the International Code Council and amended by Tualatin Valley Fire and Rescue (IFC).

A demolition permit is required for the removal of the existing building(s). A plumbing permit is required for removal, abandonment and capping of a septic tank or sewer line. If a septic tank exists, it shall be pumped out and filled in with sand or gravel or completely removed. An inspection shall be obtained from the plumbing inspector after the tank is filled or removed. A copy of the receipt from the pumping company shall be provided. If the building is connected to the public sanitary sewer system, the building's sewer shall be capped off at the property line and inspected by the plumbing inspector. (BC 8.02.035, Section 105, OSSC; Section 722, OPSC) The removal of existing buildings on the property may provide credits towards some system development (SDC) fees such as water, sanitary sewer, impervious surface, and traffic.

Applications for plan review must include the information outlined in the Tri-County Commercial Application Checklist. This form is available at the Building Division counter or may be printed from the Forms/Fee Center at <http://www.beavertonoregon.gov/PermitFormsFees>. Incomplete applications will not be accepted. (City policy)

The City offers phased permits, for foundation/slabs, structural frame, shell and interior build-out (TI). An applicant desiring to phase any portion of the project must complete the Tri-County Commercial Phased Project Matrix or each phased portion. This form is available at the Building Division counter or may be printed from the Forms/Fee Center at <http://www.beavertonoregon.gov/PermitFormsFees>. Note: Except private site utilities (potable water, sanitary and storm sewer lines), Excavation and Shoring, Site Utilities and Grading are not permits issued by the Building Division and therefore are not part of the City's phased permit process.

Plan submittals may be deferred as outlined in the Tri-County Deferred Submittals list. Each deferred submittal shall be identified on the building plans. This list is available at the Building Division counter or may be printed from the Forms/Fee Center at <http://www.beavertonoregon.gov/PermitFormsFees>. Permit applicants are responsible for ensuring that deferred plan review items listed on the plans are submitted for approval well in advance of the need to begin work on that portion of the project (anticipate a minimum of three weeks plan review turnaround time for tenant improvement and six weeks plan review turnaround for new construction projects). No work on any of the deferred items shall begin prior to the plans being submitted, reviewed and approved.

Unless they are identified as a deferred submittal on the plans, building permits will not be issued until all related plans and permits have been reviewed, approved, and issued (i.e., mechanical, plumbing, electrical, fire sprinkler systems, fire alarm systems, etc. (City policy)

Projects involving new buildings and additions are subject to System Development fees. A list of the applicable fees is available at the Building Division counter or may be printed from the Forms/Fee Center at <http://www.beavertonoregon.gov/PermitFormsFees>.

The building code plans review can run concurrent with the Design Review (DR) and site development review. Applications/plans for building permit/plan review can be submitted at any time during the entitlement process; however, permits cannot be issued until applicable approvals (Planning, Site Development, etc...) have been received and the Site Development permit has been issued.

Any businesses related to food preparation are required to have a grease trap/interceptor. The type and size are determined by the State Plumbing Code. Please contact the Fats/Oil/Grease (FOG) specialist for maintenance requirements (503) 526-3701.

The proposed building(s) shall be accessible to persons with disabilities. (Chapter 11, OSSC)

An accessible route shall be provided to persons with disabilities throughout the site. (Section 1104, OSSC)

An accessible route shall be provided to persons with disabilities from the building to a public way. (Section 1104, OSSC)

The applicant should be aware that food service operations are required to be reviewed and approved by the Washington County Health Department for applicable

health regulations. For more information, contact the Washington County Health Department at (503) 846-8722.

Sincerely,

**Brad Roast**

Building Official | Building Division

City of Beaverton | 12725 SW Millikan Way, 4<sup>th</sup> Floor | Beaverton OR 97005

p: 503-526-2524 | f: 503-526-2550 | [www.BeavertonOregon.gov](http://www.BeavertonOregon.gov)



EXHIBIT 3.1

Harry and Winona Bodine  
2130 SW Burbank Place -- Portland OR 97225 -- (503) 292-5626  
email: [whb909@gmail.com](mailto:whb909@gmail.com)

August 31, 2017

To: Beaverton Mayor Denny Doyle, Washington County Commissioner Dick Schouten, Serah Breakstone c/o Dowl representing Chick-file-A, Village Inn c/o Deng, Elena Sasin, assistant planner, Community Development, City of Beaverton, Don Hamilton, Region 1 public information officer, ODOT, Duane Link, c/o Norris & Stevens, representing Park Plaza West office complex.

Dear All:

Many if not most of you are familiar with odd-ball traffic lights facing north and south at the intersection of Southwest Beaverton-Hillsdale Hwy. and SW 107th Avenue in Beaverton. Unlike most signals which separate left-turning traffic from traffic going straight ahead or turning right, these signals are reversed forcing left turn and straight ahead to play a game of "chicken" trying to outguess what approaching drivers will do. The result is traffic flowing through this intersection moves very slowly. Additional traffic soon to come from a new Chick-fil-A restaurant, scheduled to open on the northeast corner of the intersection, will just add to the delays motorists encounter trying to gain access to Beaverton Hillsdale or trying to cross it.

My interest in this problem derives from the fact my wife and I eat breakfast or lunch at the Village Inn several times a month. I am not a traffic engineer, but I have a long record of driving -- 69 years -- and years of experience tracking land use and traffic issues in Washington County as part of my pre-retirement duties as a staff writer for The Oregonian.

After several months of off-and-on research and the help of friends I have determined the following facts:

- 1 -- Beaverton Hillsdale Hwy. is a state highway (OR 10). ODOT has the final say on what happens at this intersection.
- 2 -- SW 107th is a county road with responsibilities shared with the City of Beaverton on portions of the street within the city limits.
- 3 -- The City of Beaverton maintains the traffic lights. (By the way one of the directional arrow signs on the north side of the intersection is missing although white arrows painted or attached to the pavement remain intact).
- 4 -- So far no one inside or outside of government has stepped forward to take the small steps necessary to rectify this situation.

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SEP 05 2017

COMMUNITY DEVELOPMENT

What is the most cost effective way to solve this problem?

I'd suggest the same fix ODOT did at a much more heavily used intersection on Tualatin Valley Hwy. and SW 209th Avenue in Reedville: Reprogram the existing traffic signals so that southbound traffic has green light by itself followed by northbound traffic getting the green light by itself. That way there is no "chicken" game and traffic can flow easily and faster through the intersection. Access to the state highway is faster.

I am sending a copy of this letter to each you since you or your client or government agency have a vested interest in trying to solve this problem if you so desire.

An additional note: City of Beaverton planners tell me that since Chick-fil-A is replacing an existing restaurant it is dealing with a "Type II" process which does NOT require it to pay the bill for any traffic improvements at the intersection of SW 107th and Beaverton-Hillsdale Hwy. The planners add that Chick-fil-A will not have a direct driveway to the highway which the old restaurant enjoyed because present ODOT rules now forbid such entrances and exits. This means all Chick-fil-A traffic will use 107th except for a few customers who exit north onto a neighborhood residential street.

If you have questions or comments I can be reached at the snail-mail and email addresses listed above.

I just hope something happens.

Sincerely,

*Harry Bolin*

Elena Sasin

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**From:** Ira Frankel <ifrankel@pacifier.com>  
**Sent:** Monday, September 04, 2017 4:35 PM  
**To:** Elena Sasin  
**Subject:** CaseFile OR2017-0068

To: Beaverton Facilities Review Committee  
Beaverton Planning Division  
Attn: Elena Sasin

Project: Chick-Fill-A Restaurant

Casefile No.: DR2017-0068

From: Ira Frankel  
4450 SW 107th Ave  
Beaverton, OR 97005  
ifrankel@pacifier.com

Date: Sept. 2, 2017

Ms. Sasin and the FRC:

Your letter, addressed to my POB, was only received by me last week, and I am currently bedridden, injuries to both ankles, unable to walk, much less go to review the actual plans at the Planning Division on Millikan Way. By scheduling this tightly right after Labor Day, the public is even further disenfranchised.

Concern for the public, rather than business, has never been Beaverton's strong suit. This was shown recently by the near destruction of our neighborhood, the mayor engineering an occult conversion of our neighborhood church into a major commercial facet of the anphere Automotive Empire, all without the public's knowledge. And we have a President, claiming to represent the "common man", who urinates in golden toilets (even, I am told, on Airforce One)! What a world!!

Not knowing exactly what has been proposed, I can only make these suggestions:

- 1) There should be no outside communication box which must be heard by the neighbors
- 2) If there is to be an outlet onto our local neighborhood street (Laurel St) it should be of an uninvasive nature as it has been for the last 50 years, representing no major traffic increase
- 3) That there be foliage protecting us from light and sound

Thanks for your consideration ... Ira Frankel